

Memorandum to the File
Case Closure

Alleged Improper Leave Approval
West Palm Beach VA Medical Center, Florida
(2011-01682-1Q-0104)

The VA Office of Inspector General, Administrative Investigations Division investigated an allegation that [REDACTED] the West Palm Beach VA Medical Center, improperly approved 10 months of sick leave for [REDACTED] now on extended sick leave, Human Resources (HR) Officer without proper medical justification. We also investigated whether an HR Specialist detailed to the former HR Officer's vacant position was properly appointed to that position. To assess these allegations, we interviewed [REDACTED] and [REDACTED] the West Palm Beach VAMC. We also reviewed medical, leave, personnel, and conference records, as well as applicable Federal laws, regulations and VA policy. (b) (7)(C)

Federal Regulations state that employees shall act impartially and not give preferential treatment to any individual. 5 CFR 2635.101(b)(8). VA Policy requires an employee on sick leave for more than 3 workdays to enter a leave request into the ETA or other electronic system upon return to duty and furnish satisfactory evidence of the need for sick leave during the period of absence. VA Directive 5011(4)(b)(2). It also states that employees may be detailed in 120-day increments to the same or lower grade positions for up to 1 year and that a detail to higher grade position may be made for up to 1 year during periods of major reorganization. Details of 120 days to higher graded positions, in the absence of a major reorganization, may be extended for an additional 120 days; however, if a detail of more than 120 days is made to a higher graded position, or to a position with known promotion potential, it must be made under competitive promotion procedures. VA Handbook 5005(13)(6)(c)(2).

Alleged Improperly Approved Extended Sick Leave

[REDACTED] told us that [REDACTED] HR Officer gave her two physician notices, dated December [REDACTED] 2010 and December [REDACTED] 2010, which documented the HR Officer's chronic health problems. She said that [REDACTED] HR Officer was unable to perform his job-related duties since [REDACTED] 2011, due to his deteriorating health, and that he was due to retire in [REDACTED] 2011. She also said that the previous HR Officer's supervisor, [REDACTED] approved the extended sick leave. [REDACTED] told us that [REDACTED] HR Officer gave her the required medical documentation, so she said that she approved the extended sick leave. In a letter, dated December [REDACTED] 2010, [REDACTED] stated [REDACTED] he advised the former HR Officer to consider a medical leave. In a letter, dated December [REDACTED] 2010, [REDACTED] stated [REDACTED] and he recommended that the former HR officer take a permanent leave of absence, due to health reasons. (b) (7)(C)

██████████ told us that it was ██████████ HR Officer's intention to retire after his extended sick leave, which she said was in accordance with VA policy. VA policy states that if incapacitated for work, an employee retiring for any reason may be granted sick leave up to and including the date of retirement. VA Handbook 5011, Part III, Chapter 2, Paragraph 6. ██████████ also told us that after she received ██████████ HR Officer's notification of his intent to retire, his retention incentive was terminated.

(b) (7)(C)

Alleged Improper Appointment

Personnel records reflected that the Medical Center announced the position to be vacated by ██████████ HR Officer on September ██████████ 2010, and, at that time, the HR Specialist was a GS-13 for less than 1 month. ██████████ told us that when ██████████ HR Officer was unable to perform his duties, in ██████████ 2011, the HR Specialist became ██████████ HR Officer. Personnel records showed that the job announcement was for a GS-14 position to hire a well-qualified employee to take over the HR Officer role and that the announcement ran from September ██████████ to October ██████████ 2010, with an extended closing date to October ██████████. Records also reflected that five individuals applied. ██████████ told us that they checked references, and ██████████ said that they conducted a paper and panel review, resulting in only one qualified candidate.

(b) (7)(C)

Personnel records contained a copy of the first announcement in which ██████████ wrote, "Please re-announce... Approved for move of home goods [and] [relocation] bonus up to 25% of base salary..." ██████████ told us that the re-announcement was an attempt to attract a larger pool of applicants with the use of incentives. Records showed that they re-announced the position for a GS-14 and the second announcement ran from December ██████████ 2010, to January ██████████ 2011, which yielded two additional applicants. Records reflected that no selections were made and ██████████ requested that it again be re-announced as a "developmental 13/14 within VISN 8 only." ██████████ told us that VISN management, at a conference, instructed them to promote within the VISN in an effort to control the full time equivalent (FTE) positions. VISN conference records reflected multiple instances when they addressed FTE management. ██████████ said that it was also about the same time that the HR Specialist showed interest in remaining in the HR Officer position permanently.

(b) (7)(C)

██████████ told us that they changed the HR Officer position to a GS-13/14, because she said that they did not have success at finding a qualified GS-14. She said that they hoped it would create a greater pool of qualified candidates and that the HR Specialist showed interest in remaining in the HR Officer position permanently. ██████████ told us that the HR Specialist did not initially apply for the position, as she did not qualify as a GS-13 with less than 1-year of experience. She said that they then re-announced the position to offer GS-13 employees the opportunity to apply. Personnel records reflected that the certificate of eligibles generated from this position announcement contained only one name, that of the HR Specialist, and that she was selected for the position on March ██████████ 2011, less than 120 days after being detailed into the position.

(b) (7)(C)

Conclusion

We did not substantiate the allegation that [REDACTED] improperly approved 10 months of sick leave for [REDACTED] now on extended sick leave, HR Officer. [REDACTED] HR Officer provided letters from his medical practitioners, and VA policy permits incapacitated employees who are retiring to use their sick leave up until that retirement. Further, we did not substantiate that the HR Specialist was improperly placed into [REDACTED] HR Officer's position. The position was announced twice without developing an acceptable pool of candidates, and announced a third time with the HR Specialist being the only applicant on the certificate of eligibles. She was therefore selected for the position.

(b) (7)(C)

Prepared By

[REDACTED]

6/23/2011
Date

Approved By:

[REDACTED]

6/23/11
Date